

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *ag* D.C.  
05 OCT 28 PM 5:14

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WESTERN DIVISION, MEMPHIS

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Carl M. Smith , by and through his next	)	
friend (Mother), Lancetta Smith;	)	
Carl M. Smith; and Lancetta Smith;	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. 05-2440 B <sup>p</sup> <del>X</del>
	)	
Memphis City Schools; Dr. Carol Johnson,	)	
individually and as superintendent	)	
for MCS; Tommy Killough, individually	)	
and as principal of Kirby High School;	)	
Mannie Lowery, individually and as	)	
an employee of MCS;	)	
	)	
Defendants.	)	

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**RULE 16(b) SCHEDULING STIPULATION / ORDER**

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I. Pursuant to F.R.C.P. 26(f), a telephone meeting was held in this case in October, 2005, and the participants were:

For Plaintiff: William T. Winchester

For Defendants MCS, Johnson, and Killough: Ernest Kelly

For Defendant Lowery: Cheryl R. Estes

II. The parties will exchange the information required by F.R.C.P. 26(a)(1) no later than November 18, 2005.

III. The parties jointly propose the following discovery plan:

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 10-31-05

(7)

JOINING PARTIES: December 16, 2005

INITIAL MOTIONS TO DISMISS: December 9, 2005

AMENDING PLEADINGS: January 13, 2006

COMPLETING ALL DISCOVERY: August 31, 2006

(a) EXPERT DISCLOSURE (Rule 26):

(1) DISCLOSURE OF PLAINTIFF'S RULE 26

EXPERT INFORMATION: June 2, 2006

(2) DISCLOSURE OF DEFENDANT'S RULE 26

EXPERT INFORMATION: July 7, 2006

(b) RULE 26(e) SUPPLEMENTATION DUE: July 21, 2006

~~(c) WITNESSES AND EXHIBITS UNDER RULE 26(a)(3):~~

~~(1) PLAINTIFF'S FINAL LISTS OF WITNESSES AND EXHIBITS~~

~~UNDER RULE 26(a)(3) DUE: September 29, 2006~~

~~(2) DEFENDANT'S FINAL LISTS OF WITNESSES AND EXHIBITS~~

~~UNDER RULE 26(a)(3) DUE: October 20, 2006~~

~~(d) PARTIES HAVE 15 DAYS AFTER SERVICE OF FINAL LISTS OF~~

~~WITNESSES AND EXHIBITS TO LIST OBJECTIONS UNDER RULE~~

~~26(a)(3):~~

DISPOSITIVE MOTIONS: September 29, 2006

Settlement cannot be evaluated at this time.

IV. This <sup>non-jury TMP</sup> jury trial is expected to last 3 days.

A. Trial dates have not been set.

B. A pretrial conference has not been set.

C. Any voir dire questions and proposed jury instructions shall be submitted by the parties on the date of submittal of the pretrial order.

V. The parties do not consent to all matters being conducted by a magistrate judge.

VI. The parties consent to the supervision by the assigned magistrate judge of attorney conducted voir dire and jury selection, subject to *de novo* review by the presiding district judge.

Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

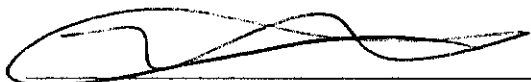
The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the Court.

Under Rule 30 and Rule 31 of the Federal Rules of Civil Procedure, no deposition shall exceed one (1) day of seven (7) hours in length, unless authorized by the Court. Each side is limited to ten (10) depositions unless additional depositions are authorized by the Court after a showing of good cause.

Under Rule 33 of the Federal Rules of Civil Procedure, no more than twenty-five (25) written interrogatories shall be served on a party unless authorized by the Court.

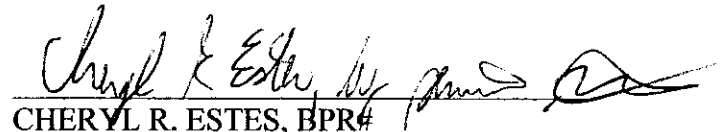
Stipulated by the parties this 27<sup>th</sup> day of October, 2005.

Plaintiff counsel:



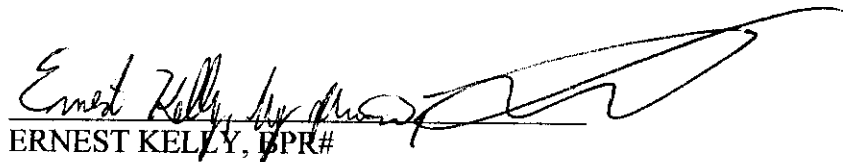
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Attorney for Plaintiffs

Defense counsel:



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Mitchell  
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40 S. Main Street  
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(901) 577-6138  
Attorney for Defendant Lowery

Defense counsel:



ERNEST KELLY, BPR#

Stokes, Bartholomew, Evans & Petree, P.A.

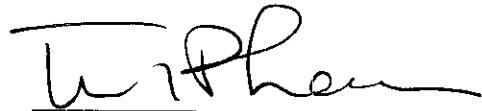
1000 Ridgeway Loop Road, Suite 200

Memphis, Tennessee 38120

(901) 525-6781

Attorney for Defendants Memphis City Schools, Johnson, and Killough

Adopted by the Court this 27 day of October, 2005.



UNITED STATES MAGISTRATE JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 7 in case 2:05-CV-02440 was distributed by fax, mail, or direct printing on October 31, 2005 to the parties listed.

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Honorable J. Breen  
US DISTRICT COURT